

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA)	Criminal No. 5-95CR-074-C
)	
v.)	Filed: 11/20/95
)	
OBERKAMPF SUPPLY)	Violation:
OF LUBBOCK, INC.;)	
)	
CYRIL REASONER; AND)	15 U.S.C. § 1
)	
CLOWE & COWAN, INC.,)	
)	
Defendants.)	

UNITED STATES' UNOPPOSED MOTION FOR PROTECTIVE ORDER

COMES NOW the United States of America, through its attorneys, and respectfully requests this Honorable Court to enter a protective order pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure.

Defendants have filed a discovery request pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure and will inspect, copy, and receive grand jury materials pursuant to Fed. R. Crim. P. 16 and 26.2 prior to this case. The United States asks the Court to limit the disclosure of this material by ordering that:

1. Upon receiving grand jury transcripts or documents pursuant to Fed. R. Crim. P. 16, 26.2, or this Court's order, the defendants and their respective counsel are to treat such material, including copies of such material, as confidential and are

to make no further disclosure of such material;
except as provided herein;

2. Said confidential material, including copies, may be utilized by the defendants and their attorneys only to prepare for this case, impeach witnesses, refresh a witness's recollection of matters to which he or she formerly testified, or to test a witness's credibility;
3. Neither the defendants nor their attorneys may disclose, make copies of, or reveal the contents of such materials for purposes other than the defense preparation and efforts specified herein. Nothing in this Order, however, is intended to prohibit the attorneys for each defendant from disclosing the materials to the defendant, the attorney's legal assistants or other employees assisting in case preparation, or from characterizing the substance of the testimony or evidence contained in such materials in discussions with prospective witnesses; and
4. All such materials turned over to the defendants and their attorneys, and any copies made therefrom, shall be returned to the attorneys for the government when the trial of this case is concluded.

In support of this motion, the United States has
attached its memorandum of law hereto.

Respectfully submitted,

_____/s/_____
William C. McMurrey

_____/s/_____
Glenn A. Harrison

Attorneys
U.S. Department of Justice
Antitrust Division
1601 Elm Street, Suite 4950
Dallas, Texas 75201-4717
(214) 655-2700

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing Unopposed Motion for Protective Order and proposed Order were mailed via Federal Express on the 17th day of November, 1995, to

Daniel W. Hurley, Esq.
Hurley & Sowder
Attorney at Law
1703 Avenue K
Lubbock, Texas 79401

Mark G. Daniel, Esq.
Evans, Gandy, Daniel & Moore
Sundance Square
115 West Second Street
Suite 202
Fort Worth, Texas 76102

A. W. SoRelle, Esq.
Underwood, Wilson Berry, Stein & Johnson
Attorneys and Counselors at Law
1500 Amarillo National Bank Building
P.O. Box 9158
Amarillo, Texas 79105-9158

_____/s/_____
WILLIAM C. MCMURREY
Attorney

CERTIFICATE OF CONFERENCE

This is to confirm that on November 17, 1995, the undersigned conferred with Mr. A.W. SoRelle, Mr. Daniel Hurley, and Mr. Mark Daniel, counsel for the defendants, concerning the above and foregoing motion. At that time, Mr. SoRelle, Mr. Hurley and Mr. Daniel authorized the undersigned to represent to the court that they do not oppose the United States' motion and proposed order .

_____/s/_____
WILLIAM C. MCMURREY
Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

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Defendants.)	

ORDER

Upon consideration of the United States' Unopposed Motion for Protective Order, IT IS HEREBY ORDERED that:

1. Upon receiving grand jury transcripts or documents pursuant to Fed. R. Crim. P. 16, 26.2, or this Court's order, the defendants and their respective counsel are to treat such material, including copies of such material, as confidential and are to make no further disclosure of such material; except as provided herein;

2. Said confidential material, including copies, may be utilized by the defendants and their attorneys only to prepare for this case, impeach witnesses, refresh a witness's recollection of matters to which he or she formerly testified, or to test a witness's credibility;

3. Neither the defendants nor their attorneys may disclose, make copies of, or reveal the contents of such materials for purposes other than the defense preparation and efforts specified herein. Nothing in this Order, however, is intended to prohibit the attorneys for each defendant from disclosing the materials to the defendant, the attorney's legal assistants or other employees assisting in case preparation, or from characterizing the substance of the testimony or evidence contained in such materials in discussions with prospective witnesses; and

4. All such materials turned over to the defendants and their attorneys, and any copies made therefrom, shall be returned to the attorneys for the government when the trial of this case is conclude.

IT IS SO ORDERED this ____ day of November, 1995.

HONORABLE SAM R. CUMMINGS
UNITED STATES DISTRICT COURT